

Federal Way law enforcement gets tough on domestic violence

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Editor's note: This is the second story in the Mirror's three-part In Her Shoes series on domestic violence. To learn how the city handles domestic violence prevention and the treatment options available to offenders and victims, read our last installment of the series in the Nov. 21 issue.

A 3-year-old boy told police he saw his dad try to kill his mom on the night of March 4 in the WinCo Foods parking lot.

“He put the gun next to her, but the bullet got stuck so he pulled her head onto the steering wheel,” the boy told an officer trained in child interviews.

The family was sitting in a car that evening after his mother, a 35-year-old woman from Federal Way, picked up her 36-year-old boyfriend of five years, her son's father.

He had been drinking at a friend's house, the police report states.

On the way home, the two got into an argument about the woman's alleged drug use and supposed affair. He told her to pull over so he could get food for the boy but instead he grabbed her by the hair and pulled her head to his lap.

“He told her that he was going to kill her and told her that he had his gun with him,” the police report states. “He went on to say that he had already killed someone today [sic] and he was not afraid to do it again and was not scared to go to jail.”

The man then punched her side of the face while the boy screamed, “Don't kill mommy.”

But his father drew a small silver handgun, pointed it at his mother and pulled the trigger.

When the gun didn't shoot, he hit her forehead with the gun's cylinder.

The woman was able to escape after he was distracted by a noise.

Police found the man hiding under a trash compactor after he saw officers and fled.

The woman told police "she believed she was going to die and was scared out of her mind."

He had threatened her since the beginning of their relationship, she said, even strangling her. But "this time it was real."

"Domestic violence calls are one of the most dangerous calls police officers respond to," said Federal Way Chief of Police Andy Hwang in an interview, adding that those calls require at least two or three officers and the situations are often highly emotional.

Federal Way police respond to more than 2,000 domestic-violence-related calls each year and the issue is "consistently in the top five calls for service each month," Hwang wrote in an email.

He said the crime is sometimes difficult to deter because it happens behind closed doors but the impact can be most profound.

"Children growing up in homes where violence exists are abused and neglected at higher rates," he said. "They are also the most likely to perpetuate violence in their intimate relationships when they get older. Among other things, household violence is often a learned behavior."

But Federal Way is leading the way when it comes to punishing offenders who commit domestic violence in front of children.

In 2006, the Federal Way City Council adopted two amendments to city code, which made domestic violence in front of children and strangulation a gross misdemeanor. Any person convicted of either crime would have to spend 30 days in jail, minimum, as well as possibly face other conditions of the law.

"It's a Federal Way homegrown ordinance, it's not state law," said Federal Way Judge David A. Larson about the domestic violence in front of a child law.

The city partnered with the South King County Community Network to look at the effect on children when they witness or perceive domestic violence in the home.

“Research shows that children who witness domestic violence often suffer severe emotional and developmental difficulties similar to children who are direct victims of abuse,” city documents state.

While some cases may be obvious, many have their own unique challenges.

As officers interview each person involved in the dispute, their job is to determine the primary aggressor.

Sometimes police will hand out a pamphlet in cases of verbal domestic violence; cases of physical assault are handled on a different level.

“We have to make an arrest if the crime occurred within a four-hour period,” Hwang said. “Generally one of the parties will be arrested.”

Police have to err on the side of caution, Hwang added, because even if there’s no visible injuries but someone’s alleging assault, the intent of the law is to prevent further violence.

“Where somebody could make a false allegation, that’s where the training and expertise of officers comes in,” he said. “Officers are in a tough situation.”

If an arrest is made at the scene, the suspect is held without bail until they see a judge.

Suspects arrested for a felony have their cases heard in King County Superior Court, while the Federal Way Municipal Court judges hear misdemeanor and gross misdemeanor cases.

Someone charged with a misdemeanor can face up to 90 days in jail with a \$1,000 fine and a gross misdemeanor conviction will be up to 364 days in jail, a \$5,000 fine and five years of probation for each crime. Felony sentences are broken into different classes and can vary in length or severity based on the suspect’s “offender score.”

After a suspected abuser sees a judge for his or her arraignment, they may be let go on personal recognizance with conditions or bail is imposed.

Although the defendant has a right to a speedy trial, Larson said there are waivers and it can often take longer for more investigation time.

If the suspect chooses not to plead guilty, a trial date is set, a jury is chosen and prosecutors have the burden of proof to prove the suspect is guilty beyond all reasonable doubt.

Federal Way domestic violence prosecutor Pauline Freund has worked for the city for seven years.

“I worked in a shelter in Chicago for a little while,” Freund said. “It’s always been an issue I’ve felt very strongly about. Luckily, I don’t have a personal experience, I just think that everyone deserves to be safe in their own home.”

But it appears many people aren’t safe in their own homes, nor do they strive for that safety.

“My number one challenge is getting victims to cooperate,” she said. “I’ve heard statistics of 60 to 80 percent — my experience is about 60 percent — of victims recant [their statements] or refuse to cooperate.”

Her second challenge is the jury.

“Jurors don’t want to believe it’s happening,” she said. “I think, as people, everyone wants to believe we’re safe in our own home.”

Freund gets around eight to 10 new cases a week. The cases are divided into traditional power/control domestic violence between people in relationships and others, such as child abuse, elder abuse and a roommate spat, which are lumped together in another category.

Freund handles the first category.

“It’s interesting here because we have such a diverse population,” she said, noting the high population of immigrants and people with varying socioeconomic statuses in Federal Way. “But the experience of women and the stories they tell us are similar across the board.”

Although Freund prefaces that she’s not a psychologist, an “overwhelming amount” of the victims she sees blame themselves.

“My intent is to hold perpetrators accountable and provide for maximum victim safety,” she said.

And if a suspect is found guilty, prosecutors and defense lawyers will negotiate a recommended sentence but ultimately it's up to the court.

Larson said sometimes abusers go straight to jail but often they'll get a suspended sentence. This is a deferred amount of jail time in lieu of conditions that must be followed. If the perpetrator breaks these conditions, they'll go straight to jail.

But the conditions can sometimes be challenging — especially when it comes to the no-contact order.

Per federal law, the convict will be prohibited from possessing any firearms, they may have to undergo drug or alcohol evaluations if that's a motivating factor in the abuse, and often, they have to abide by a no-contact order or a restraining order.

“The decision about a no-contact order for judges is the most complicated things we do,” Larson said. “First of all, you're telling people to stay away from each other that potentially want to be together. And the primary thing you're looking at is if you do lift the no-contact order, that there's not going to be any more issues.”

He said there's a concern that if the victim doesn't want the no-contact order, he or she may not call police again.

Larson said because “every case is as individual as a fingerprint” it's important to look at each risk factor and characteristic as a judge.

About six or seven years ago, a woman was killed at the Calgary Lutheran Church while she was in a counseling session with her husband.

The husband got up to leave and he shot his wife, Larson said.

“Just look at his criminal history and tell me how anybody would predict he would shoot his wife,” Larson said. “Then you've got on the other side of the spectrum, somebody with five or six domestic violence violations that may never get past a push or slap. And then you have the person that, hypothetically, the worst they have had is maybe a traffic ticket and they end up killing their family. How can you as anybody, let alone a judge, figure out which cases are going to be dangerous and which cases aren't?”

Larson said the way to try and figure it all out is through training, education and not simply going through the motions.

“If you care about this stuff, it can be very challenging,” he said. “If you’re just thinking you’re up there on the bench, checking boxes, then it’s easy but I’m not a box checker.”

The judge’s motto is “no repeat customers,” which is also the goal of probation.

“One time I was at Federal Way High School speaking to some students and they said, ‘Well, you don’t handle very important cases do you?’” Larson recalled.

“And I said, ‘I was a civil lawyer before I became a judge and my cases were complex litigation involving 25 or more parties, I managed 15,000 lawsuits nationwide and everything else, I mean, I get complex litigation.’”

“My response was, ‘Actually they’re the most important cases because I can reach somebody before they graduate to felonies. I can try to work with somebody because at the entry level court, this is where we get people so they don’t go on further and do worse things, whether it’s a traffic offense, whether it’s a crime, this is an opportunity and most of our ‘customers’ are between 18-25 and that’s all crimes, not just domestic violence. And if we can reach people and get them to stop doing what they’re doing, then we’ve accomplished something.’”

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